



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 18, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-113 Griffith v. County of Santa Cruz, S090107. (H019505.) Unpublished opinion. Petition for review after the Court of Appeal affirmed judgments in mandate proceedings. The court ordered briefing deferred pending decision in Howard Jarvis Taxpayers Assn. v. City of La Habra, S082591 (#99-185), which concerns whether, with regard to an action to compel a city to cease collecting a tax that was not approved by the voters, the statute of limitations began to run when the tax was first adopted or after this court's decision in Santa Clara County Transportation Authority v. Guardino, 11 Cal.4th 220, clarified the applicability of the voter approval requirement.

#00-114 People v. Sengpadychith, S090076. (H016871, H020131.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and denied a petition for writ of habeas corpus. The court limited review to the issues of what evidence is sufficient to establish the "primary activities" element of the criminal street gang enhancement (Pen. Code section 186.22) and what harmless error standard applies to failure to instruct on that element.

#00-115 People v. Toledo, S089957. (B126748; 81 Cal.App.4th 322.) Petition

(over)

for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case concerns whether the general attempt statute (Penal Code section 664) does, and constitutionally may, apply to create the crime of an attempted violation of Penal Code section 422 (terrorist threats).

DISPOSITION

#00-44 Guinness Peat Group v. Gould, S086444, was dismissed and remanded to the Court of Appeal.

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